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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,251	12/09/2003	Thomas E. Pride	MAC 426-15	3351

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EXAMINER
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DOOLEY, JAMES C

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/730,251

Applicant(s)

PRIDE, THOMAS E.

Examiner

James C. Dooley

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-8 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Illmann et. al. (Us patent number 4,501,413). Illmann teaches a clamping element for storage of plates featuring:

- a. A frame. Labeled as "a cassette" (col 2 ln. 12-14) is not shown in the drawings.
- b. A plurality of clamping mechanisms (2)
- c. Actuation means for opening clamps in unison (cam wheels Fig. 5)
- d. Clamps being individually self adjusting (col. 1. ln 63-64)

It can be seen from Figure 5 that the orientation of the clamps is perpendicular to their spacing. Namely, the clamps are spaced horizontally while items being clamped are positioned vertically. The clamps can be seen to be normally in the closed position as the design includes helical springs (located under the cams) which must be extended in order to for the clamps to be released (col. 3 ln 30-32). Since, it is understood that the normally biased position of the mechanism is when the components are in their relaxed state, in this case closed.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Illmann in view of Burns (US patent number 2,471,606). The clamping apparatus as disclosed by Illmann shows a means of clamping plate material using cams featuring a plurality of self adjusting clamps, unison operation and a normally biased closed position. Illmann does not teach a pair of levers. The apparatus of Illmann can be seen to operate in the horizontal position. As the apparatus of Burns demonstrates, it is well known in the art to utilize a pair of levers (10,11) in order to achieve clamping force at the jaws (20). If the design of Illmann we're intended to be used in alternate orientations it would be obvious to one with ordinary skill in the art to modify the design of Illmann to included levers rather than sliding blocks. The motivation being to reduce the number of parts thereby increasing simplicity and durability of the design.

Furthermore it can be seen from the design of Burns that an actuation means applied at handle (distal end 14) would cause the jaws 20 to open. Although, Burns names distal end opposite the handle as "jaws." The similarity to the configuration of Applicants design can be seen regardless of naming convention.

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5. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Illmann in view of (US patent number 6,102,206). The clamping apparatus as disclosed by Illmann shows a means of clamping plate material using cams featuring a plurality of self adjusting clamps, unison operation and a normally biased closed position. Illmann does not teach a shipping rack having multiples of these clamping means. Pride teaches a shipping rack for planar articles featuring a clamping means (70). Pride also teaches a seating means (55) for supporting the articles. Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to incorporate the clamping means of Illmann into the rack of Pride. The motivation being to simplify stacking and retrieval of articles due to the unison operation of the clamps.

6. Claims 5-8, 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C. Dooley whose telephone number is 571-2721679. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James C Dooley  
Examiner  
Art Unit 3634

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Richard Chilcot  
Supervisory Patent Examiner  
Technology Center